



2025:DHC:7884



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 08.09.2025**+ **W.P.(C) 5564/2023 & CM APPL. 21853/2023****UMA SHOKEEN**

.....Petitioner

Through: **Mr. Anuj Kumar Garg, Adv.**

versus

**MUNICIPAL CORPORATION OF DELHI AND
OTHERS**

.....Respondents

Through: **Mr. Mukesh Kumar, Adv. for R-5
Mr. Sermon Rawat and Mr. Vikas R.,
Advs. for R-11 and 13 to 17
Ms. Shilpa Dewan, ASC for MCD
Mr. Gaganmeet Singh Sachdeva, Mr.
Harshpreet Singh Chadha and Mr.
Hridyesh Khanna, advs. for DDA
Mr. Moksh Arora and Mr. Santosh
Ramdurg, Advs. for BRPL****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL)**

1. The present writ petition has been filed seeking issuance of directions to the respondent nos. 1 to 10, to take action against the unauthorized construction and encroachment by respondent nos. 11 to 18 at property bearing:

- (i) *GH-10, 91-D, Sunder Apartments, Paschim Vihar, New Delhi,*
- (ii) *GH-10, 91-C, Sunder Apartments, Paschim Vihar, New Delhi,*
- (iii) *GH-10, 91- B, Sunder Apartments, Paschim Vihar, New Delhi,*



- (iv) *GH-10, 90-C, Sunder Apartments, Paschim Vihar, New Delhi,*
- (v) *GH-10, 90-D, Sunder Apartments, Paschim Vihar, New Delhi,*
- (vi) *GH-10, 89-C, Sunder Apartments, Paschim Vihar, New Delhi,*
- (vii) *GH-10, 89-D, Sunder Apartments, Paschim Vihar, New Delhi,*
- (viii) *GH-10, 92-C, Sunder Apartments, Paschim Vihar, New Delhi,*
- (ix) *GH-10, 92-D, Sunder Apartments, Paschim Vihar, New Delhi.*

2. Attention of this Court has been drawn to the Status Reports dated 13th March, 2023 and 11th March, 2024, filed on behalf of the Municipal Corporation of Delhi (“MCD”), wherein, it is submitted that unauthorized construction exists on the terrace of the property in question, in the shape of temporary shed, mumty, rooms and toilets.

3. On pointed query by this Court, it is informed that the said constructions have been existing for a long time, and no on-going construction has been noticed in the flats in question.

4. At this stage, learned counsels appearing for respondent nos. 11 to 18 submits that their construction can be regularized on the basis of the various circulars of the Delhi Development Authority (“DDA”) in this regard. They, thus, submit that they are in the process of filing regularization applications with the MCD.

5. Accordingly, liberty is granted to respondent nos. 11 to 18 to file their applications for regularization with the MCD.

6. Let the needful be done within a period of two weeks, from today.

7. Upon the respondent nos. 11 to 18 filing their applications for regularization, the same shall be considered by the MCD in accordance with its policy and various circulars issued by the DDA.

8. The respondent nos. 11 to 18 shall comply with all the directions as



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issued by the MCD for removal of any non compoundable construction.

9. In case the MCD finds that the construction in question cannot be regularized, requisite action shall be taken by the MCD, in accordance with law.

10. The applications for regularization of respondent nos. 11 to 18 shall be considered and decided expeditiously, preferably, within a period of three months, after receipt of the same.

11. It is directed that no coercive action shall be taken against the properties of respondent nos. 11 to 18 during the pendency of their applications for regularization. However, in case of any non-compoundable unauthorized construction, direction shall be issued by the MCD to the respective respondents to remove the unauthorized construction. In case the said unauthorized construction is not removed by respondent nos. 11 to 18, requisite action shall be taken by the MCD, in accordance with law.

12. With the aforesaid directions, the present writ petition along with the pending application is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 8, 2025/KR